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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/000,362
Filing Date: December 04, 2001
Appellant(s): AUVRAY ET AL.

David J. Cushing
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/6/08 appealing from the Office action mailed 5/3/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1-3,5-7,9-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Lidbetter [EP 1 079 547].

Regarding claim 1,5 Lidbetter discloses a system and method of providing a mobile telephone service on board a vehicle (see col. 1, lines 3-5 and fig. 1), said system being connected to a public land mobile network (see 4 in Fig. 1) via a satellite (see 6 in fig.1) and including means for setting up at least one transport connection between said vehicle and said public land mobile network before receiving a call request and for then using said transport connection for a call as soon as a request to set up a call is received. In col. 2, lines 43-45, Lidbetter discloses a method where a tracking radio link is used for connecting a moveable base station transceiver to the switching system.

Then in col. 3, lines 1-5 Lidbetter discloses that the tracking radio link provides a radio connection between the radiotelephone and the fixed network connected to the switching system. Further in col. 3, lines 6-14 Lidbetter discloses that the tracking radio link helps the ship to remain in contact with the earth station through one satellite for an entire voyage. Lidbetter in col. 4, lines 41-44 further discloses that the satellite connection provides a signaling /control

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channel and by definition (as given in “Mobile cellular communications” by William C.Y. Lee) the signaling/control channel in telecommunication is used for setting up a call connection.

Since the signaling/control channel is established before call setup, as soon as there is a request for a call setup meaning as soon as the user dials the number to call, since the control/transport channel is already setup, the call is established.

The examiner would again like to point out that the limitation “transport channel / continuous channel” as defined by the applicant is given a broad interpretation wherein when the mobile is turned on a control channel is set up between the mobile station and the base station which facilitates the communication between the mobile station and the base station when the mobile user wishes to make a call. Thus the control channel here meets the claim limitation of setting up a transport channel prior to the call set up.

Regarding claims 2,6 Lidbetter discloses a method in col. 3, lines 1-5 that the tracking radio link provides a radio connection between the radiotelephone and the fixed network connected to the switching system. Lidbetter in col. 4, lines 41-44 further discloses that the satellite connection provides a signaling channel and by definition (as given in “Mobile cellular communications” by William C.Y. Lee) the signaling/control channel in telecommunication is used for setting up a call connection. The signaling channel that is established does not immediately or automatically start a call setup. When a cellular phone is turned on, a signaling channel is setup between the base station and the cellular device and this signaling channel will monitor the link between the base transceiver and the cellular device. When the user of the cellular device wishes to make a call and starts the dialing process, then the signaling channel

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will start the call setup process i.e. assigning the right traffic channel and/or resources needed for the call. Therefore until the time the user wishes to make a call, the signaling/transport channel is on standby mode

Regarding claims 3,7 Lidbetter discloses a method wherein the duration of said transport connection is limited and reactivated in accordance with a time-delay. See col. 3, lines 19-22 and paragraph 13. Here a tracking radio link gives a continuous coverage of the footprint for the entire voyage of the vessel. In col. 3, lines 19-22 and paragraph 13, Lidbetter discloses a method where the satellite link is reactivated after a time delay when the ship again leaves the shore and when there is no interference to the base station on board from the fixed base station on shore.

Thus when the satellite link is reactivated a supervisory control channel/transport channel is again established between the mobile station and the fixed network thus once again establishing connection between the mobile station and base station as discussed in the rejection of claim 1

Regarding claim 9, Lidbetter discloses a method wherein said transport connection can be used without further selection process when said request to set up a call is received. See col. 2, paragraphs 6,7,8 where the tracking radio link provides a continuous transport link and see also col. 2, paragraph 10, col. 3, paragraph 11, col. 4, paragraph 16 where a signaling channel is established that can be used to setup a call as soon as a request for call setup is rec'd without any further selection process.

Regarding claims 10,12 Lidbetter further discloses a method wherein said transport connection is a connection for a single call. See col. 2, paragraphs 6,7,8 where the tracking radio link

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provides a continuous transport link that can be used to setup a call as soon as a request for call setup is received. See also col. 2, paragraph 10, col. 3, paragraph 11, col. 4, paragraph 16 where a signaling channel is established that can be used to setup a call as soon as a request for call setup is received

Regarding claim 11, Lidbetter further discloses a method wherein said transport connection can be used without further selection process when said request to set up a call is received. See col. 2, paragraphs 6,7,8 where the tracking radio link provides a continuous transport link that can be used to setup a call as soon as a request for call setup is rec'd. See also col. 2, paragraph 10, col. 3, paragraph 11, col. 4, paragraph 16

Regarding claims 13,14 Lidbetter discloses a method wherein said transport connection consumes substantially no resources in said standby state. See col. 2, paragraphs 6,7,8 where the tracking radio link provides a continuous transport link that can be used to setup a call as soon as a request for call setup is rec'd and see also col. 2, paragraph 10, col. 3, paragraph 11, col. 4, paragraph 16 where a signaling channel is established that can be used to setup a call as soon as a request for call setup is rec'd. As discussed in the rejection of claim 1, the signaling channel is used for call setup and to allocate the appropriate resources needed for the call. Further, The signaling channel that is established does not immediately or automatically start a call setup. When a cellular phone is turned on, a signaling channel is setup between the base station and the cellular device and this signaling channel will monitor the link between the base transceiver and the cellular device. When the user of the cellular device wishes to make a call and starts the

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dialing process, then the signaling channel will start the call setup process i.e. assigning the right traffic channel and/or resources needed for the call. Therefore until the time the user wishes to make a call, the signaling/transport channel is on standby mode and no resources are used

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4,8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lidbetter [US EP 1 079 547] in view of Horrér [US 6,321,084].

Regarding claims 4,8 Lidbetter discloses all the limitations as claimed. However he does not disclose in particular wherein said vehicles are aircraft.

Horrér, in the same field of invention, teaches a method of setting up telecommunication for persons on board a vehicle such as an aircraft. See col. 2, lines 25-41.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Horrér to Lidbetter in order that the person subscribed to a telecommunications network continues to be reachable in stationary or mobile facilities such as aircrafts.

(10) Response to Argument

1. **Claims 1-3, 5-7 and 9-14 are Not Anticipated by Lidbetter**

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A. Claims 1 and 3 are Not Anticipated by Lidbetter

Regarding claim 1,3 the appellant argues that Lidbetter does not anticipate the claimed feature i.e. transport connection to be set up before a call is requested and then used immediately for a call as soon as the call is requested. Further he argues that the transport channel is set up ahead of time and is not activated yet. The appellant agrees that a connection between the mobile and the base station is available. However the appellant argues that Lidbetter does not disclose a connection that is all set up and at most needs to be activated as in the present invention.

The examiner respectfully disagrees and would like to draw the appellant's attention to Lidbetter reference. Lidbetter in col. 4, lines 41-44 further discloses that the satellite connection provides a signaling /control channel and by definition (as given in "Mobile cellular communications" by William C.Y. Lee) the signaling/control channel in telecommunication is used for setting up a call connection.

Since the signaling/control channel is established before call setup, as soon as there is a request for a call setup meaning as soon as the user dials the number to call, since the control/transport channel is already setup, the call is established.

The examiner would again like to point out that the limitation "transport channel / continuous channel" as defined by the applicant is given a broad interpretation wherein when the mobile is turned on a control channel is set up between the mobile station and the base station which facilitates the communication between the mobile station and the base station when the mobile user wishes to make a call. Thus the control channel here meets the claim limitation of setting up a transport channel prior to the call set up.

The appellant argues in the last line of page 11 that "the invention is able to eliminate the request". The claim though clearly recites a request step ("as soon as a request to set up a call is

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received"). The appellant seems to be arguing that his system will enable a user to open his cellular phone and immediately begin talking, without the need to dial and make a connection.

Therefore in view of the above arguments, Lidbetter clearly discloses a method where a connection is all set up i.e. a link is already established between the mobile and the base station and will be activated when the user wishes to make a call by punching in the desired number.

B. Claims 9-12 are Not Anticipated by Lidbetter

Regarding claims 9-12, the appellant argues that Lidbetter does not disclose a method wherein once the transport channel is set up, this can be used for future calls without further selection process.

The examiner respectfully disagrees. Lidbetter discloses a method wherein said transport connection can be used without further selection process when said request to set up a call is received. See col. 2, paragraphs 6,7,8 where the tracking radio link provides a continuous transport link and see also col. 2, paragraph 10, col. 3, paragraph 11, col. 4, paragraph 16 where a signaling channel is established that can be used to setup a call as soon as a request for call setup is rec'd without any further selection process. The signaling/control channel is set up only once when the mobile power is turned on and throughout the journey of the Ship/Vessel, this continuous channel stays on and will be activated whenever the user wishes to make a call.

C. Claims 2 and 6 are Not Anticipated by Lidbetter

Regarding claims 2 and 6, the appellant argues that Lidbetter reference does not anticipate that a transport connection is in a standby state.

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The examiner disagrees. Lidbetter in col. 4, lines 41-44 further discloses that the satellite connection provides a signaling channel and by definition (as given in “Mobile cellular communications” by William C.Y. Lee) the signaling/control channel in telecommunication is used for setting up a call connection. The signaling channel that is established does not immediately or automatically start a call setup. When a cellular phone is turned on, a signaling channel is setup between the base station and the cellular device and this signaling channel will monitor the link between the base transceiver and the cellular device. When the user of the cellular device wishes to make a call and starts the dialing process, then the signaling channel will start the call setup process i.e. assigning the right traffic channel and/or resources needed for the call. Therefore until the time the user wishes to make a call, the signaling/transport channel is on standby mode

D. Claims 13 and 14 are Not Anticipated by Lidbetter

The appellant argues that Lidbetter does not disclose a method where in a standby mode the transport channel does not utilize any resources.

The examiner respectfully disagrees and would like to draw the appellant's attention to Lidbetter reference. Lidbetter discloses a method wherein said transport connection consumes substantially no resources in said standby state. See col. 2, paragraphs 6,7,8 where the tracking radio link provides a continuous transport link that can be used to setup a call as soon as a request for call setup is rec'd and see also col. 2, paragraph 10, col. 3, paragraph 11, col. 4, paragraph 16 where a signaling channel is established that can be used to setup a call as soon as a request for call setup is rec'd. When a cellular phone is turned on, a signaling channel is setup

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between the base station and the cellular device and this signaling channel will monitor the link between the base transceiver and the cellular device. When the user of the cellular device wishes to make a call and starts the dialing process, then the signaling channel will start the call setup process i.e. assigning the right traffic channel and/or resources needed for the call. Therefore until the time the user wishes to make a call, the signaling/transport channel is on standby mode and no resources are used

E. Claims 3 and 7 are Not Anticipated by Lidbetter

Regarding claims 3 and 7, the appellant argues that Lidbetter reference does not disclose a method wherein the duration of the transport connection is limited and is automatically reactivated in accordance with a time-delay.

The examiner disagrees and would like to again draw the appellant's attention to Lidbetter reference, particularly to col. 3, lines 19-22 and paragraph 13. Here a tracking radio link gives a continuous coverage of the footprint for the entire voyage of the vessel. In col. 3, lines 19-22 and paragraph 13, Lidbetter discloses a method where the satellite link is reactivated after a time delay when the ship again leaves the shore and when there is no interference to the base station on board from the fixed base station on shore and this reads on the claim limitations. Thus when the satellite link is reactivated a supervisory control channel/transport channel is again established between the mobile station and the fixed network thus once again establishing connection between the mobile station and base station as discussed in the rejection of claim 1.

2. Claims 4 and 8 are Not patentable over Lidbetter in view of Horrer

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See arguments for claims 1 and 5 and since 4 and 8 depend on claims 1 and 5 respectfully, the same arguments as for claims 1 and 5 holds good.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Sujatha Sharma/
Examiner, Art Unit 2618
Sujatha Sharma
8/14/08

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